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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,926	06/26/2001	Yasuhiro Ogata	29288.1400	3852
20322 7590 03/23/2007 SNELL & WILMER L.L.P. (Main) 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202			EXAMINER SHIBRU, HELEN	
			ART UNIT 2621	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/23/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/892,926	<b>Applicant(s)</b> OGATA ET AL.	
	<b>Examiner</b> HELEN SHIBRU	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. The amendments, filed 12/14/2006, have been entered and made of record. Claims 1-15 are pending.

### *Response to Arguments*

2. Applicant's arguments filed on 12/14/2006 have been fully considered but they are not persuasive.

3. In response to applicant's argument that Hanaya fails to even address the problem solved by the present invention, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In addition Hanaya teaches a program switching device and method that can prevent a disorder of images and an invisible state of the image when a channel or program is switched.

In response to Applicant's argument that the cited reference of Hanaya does not disclose a mute section for muting the first audio signal when the switch section switches the second audio signal to the first audio signal, the Examiner respectfully disagrees. The channel switching processing is shown in a flowchart of fig. 25. The first channel or program has been displayed and the sound associated with it has been outputted. Then channel switching processing is executed by operating the channel up and down button. At step 111 the first channel or program converted into a static image and the sound associated with it is muted. At step 112 the CPU 29

controls the front end 20, which includes tuner 21, in response to the need of the multiplexer 24 corresponding to the newly input channel to **start receiving processing of a new channel** (channel after switching), i.e. the second channel or second audio signal is not muted as stated by the applicant. In addition the volume button can be operated to change the volume level. The IRD 2 comprises composite audio signal lines, see fig. 4. at step 114 the process waits until the process of switching is completed, i.e. the first channel image is static and the audio is muted until switching processing is completed.

Therefore the claimed invention does in fact read on the cited references for at least the reasons discussed above and as stated in the detail Office Action as follows.

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-12 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanaya (US Pat. No. 5,754,258).

Regarding claim 1, Hanaya discloses an audio and video recording and reproduction apparatus, comprising:

an audio signal switch section for outputting one of a first audio signal having a first volume level and a second audio signal having a second volume level by a switching operation (see col. 6 lines 18-26, col. 7 line 41-44 and also see figure 4); and

a mute section for muting the first audio signal which is output from the audio signal switch section when the audio signal switch section switches the second audio signal to the first audio signal (see figure 25, abstract, and col. 21 line 1-col. 22 line 15).

Regarding claim 2, Hanaya discloses the mute section mutes the second audio signal which is output from the audio signal switch section when the audio signal switch section switches the first audio signal to the second audio signal (see col. 21 line 1-col. 22 line 15 and figure 15).

Regarding claim 3, Hanaya discloses the first audio signal includes an external audio signal (see col. 2 lines 22-28).

Regarding claim 4, Hanaya discloses the first audio signal includes an audio signal reproduced from an audio and video recording and reproduction medium (see figure 1 and col. 4 line 62-col. 5 line 3 and lines 60-67, and col. 9 lines 54-65).

Regarding claim 5, Hanaya discloses the second audio signal includes an audio signal reproduced from an audio and video reproduction-only medium (see figure 4).

Regarding claim 6, Hanaya discloses the second audio signal includes an audio signal reproduced from an audio reproduction-only medium (see figure 4 and col. 2 lines 22-28).

Regarding claim 7, Hanaya discloses the first audio signal includes an external audio signal (see col. 2 lines 22-28 or claim rejection 3 above),

the second audio signal is reproduced from a reproduction-only medium (see figure 4) ,

the first volume level of the first audio signal and the second volume level of the second audio signal are different from each other (See col. 6 lines 18-26, col. 7 line 41-44, col. 10 line 66-col. 11 line 12, and also see figure 4. The volume level can be up or down. Further each channels have different data IDs, and also the audio signals are output in different amplifiers.),

the audio and video recording and reproduction apparatus has a reproduction mode for reproducing the second audio signal from the reproduction-only medium and a stop mode for

stopping the reproduction of the second audio signal from the reproduction-only medium (see figure 4, figure 25 and rejection of claim 1 above) and

the audio signal switch section switches the second audio signal to the first audio signal when the reproduction mode is switched to the stop mode (see rejection of claim 1).

Regarding claim 8, Hanaya discloses a video switch section for outputting a first video signal corresponding to the first audio signal or a second video signal corresponding to the second audio signal by a switching operation (see figure 25 and col. 4 lines 45-51 and line 62-66, col. 5 lines 4-10).

Regarding claim 9, Hanaya discloses the first video signal includes an external video signal (see col. 7 lines 58-67)

Regarding claim 10, Hanaya discloses the first video signal includes a video signal reproduced from an audio and video recording and reproduction medium (see figure 4, col. 6 lines 1-10, 55-66, and col. 7 lines 58-67).

Regarding claim 11, Hanaya discloses the second video signal includes a video signal reproduced from an audio and video reproduction-only medium (see figure 4).

Regarding claim 12, Katayama discloses the second video signal includes a still picture signal reproduced from a still picture signal medium (see abstract, col. 17 lines 14-23, col. 20 lines 30-38, and col. 21 lines 1-10).

Regarding claim 14, Katayama discloses the second video signal includes a still picture signal reproduced from a still picture medium (see col. 20 lines 4-43 and col. 21 line 57-col. 22 line 15), and the video switch section outputs the still picture signal when the mute section mutes the first audio signal (see col. 17 lines 14-23, col. 20 lines 30-38, and col. 21 lines 1-10).

Regarding claim 15, Hanaya discloses the mute section only mutes the first audio signal which is output from the audio signal switch section when the audio signal switch section switches the second audio signal to the first audio signal (see figure 25, and abstract, and col. 21 line 1-col. 22 line 15).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaya.

Regarding claim 13, although Hanaya does not specifically teach audio and video recording and reproduction apparatus has a reproduction mode for reproducing the third video signal from the audio and video reproduction-only medium and a stop mode for stopping the reproduction of the third video signal from the audio and video reproduction-only medium, Hanaya does teach the second video signal includes a third video signal reproduced from the audio and video reproduction-only medium (see figure 4) and a still picture signal reproduced from a still picture signal medium (see rejection of claim 14 above). Hanaya further teaches the video signal switch section switches the third video signal to the still picture signal when the reproduction mode is switched to the stop mode (see rejection of claims 13 and a4 above). Official Notice is given that it would have been obvious to one of ordinary skill in the art at the time the invention was made to reproduce a sub clip from a clip in editing system in order to use it as many times as the user wants.

*Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

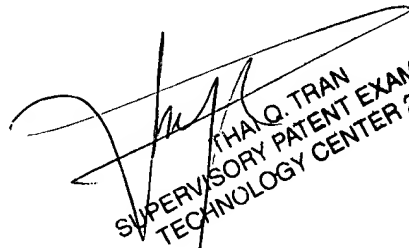
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru  
March 14, 2007

  
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